

PUBLIC MEETING NOTICE

COMMITTEE OF THE WHOLE

COUNCIL OF THE COUNTY OF MAUI

www.MauiCounty.us/COW

Committee Chair Don S. Guzman

Committee Vice-Chair Stacy Crivello

Voting Members:
Gladys C. Baisa
Robert Carroll
Elle Cochran
Don Couch
Riki Hokama
Michael P. Victorino
Mike White

Friday, March 18, 2016 1:30 p.m.

MEETING SITE: Council Chamber Kalana O Maui Building, 8th Floor 200 South High Street Wailuku, Hawaii

2016 MAR 11 AM 10: 27

AGENDA

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: <u>CLAIM OF MARK A. KING</u>, CLAIM 5-14-00348; <u>CLAIM OF KATHLEEN KERN</u>, CLAIM 5-14-00330; <u>CLAIM OF TREMAINE BALBERDI</u>, CLAIM 5-14-00322; <u>CLAIM OF DOUGLAS MILLER</u>, CLAIM 5-14-00526; <u>CLAIM OF JAMES A.Q. GIROUX</u>, CLAIM 5-14-00345 (RELATING TO MAUI AIR INCIDENT ON LANAI)) (COW-1(19))

DESCRIPTION:

The Committee is in receipt of the following;

- 1. Correspondence dated December 3, 2015, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF MARK A. KING V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 5-14-00348."
- 2. Correspondence dated February 26, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF KATHLEEN KERN V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 5-14-00330."
- 3. Correspondence dated February 26, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF TREMAINE BALBERDI V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 5-14-00322."
- 4. Correspondence dated February 26, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF DOUGLAS MILLER V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 5-14-00526."
- Correspondence dated February 26, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JAMES A.Q. GIROUX V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 5-14-00345."

The claims each allege work-related injuries sustained as a result of an air crash on Lanai, Maui, Hawaii, on February 26, 2014. The purpose of each proposed resolution is to authorize settlement of the case.

Page 2 COW

STATUS: The Committee may consider whether to recommend adoption of one or more of the proposed resolutions, with or without revisions. The Committee may also consider other

NOTE: With reference to this agenda item, one or more executive meetings are anticipated

pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or

Federal law, or a court order.

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: LISA L. HAUPU V. COUNTY OF MAUI; DISABILITY COMPENSATION DIVISION CASE 7-09-00326) (COW-1(28))

DESCRIPTION: The Committee is in receipt of correspondence dated January 14, 2016, from the

Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF LISA L. HAUPU V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-09-00326." The claim alleges work-related injuries sustained on January 21, 2009. The purpose of the

proposed resolution is to authorize settlement of the case.

STATUS: The Committee may consider whether to recommend adoption of the proposed

resolution, with or without revisions. The Committee may also consider other related

action.

NOTE: With reference to this agenda item, one or more executive meetings are anticipated

> pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or

Federal law, or a court order.

LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: LARS M. GASCON V. COUNTY OF MAUI; DISABILITY COMPENSATION DIVISION CASE 7-11-01155; LABOR AND INDUSTRIAL RELATIONS **APPEALS BOARD CASE AB 2015-319(M))** (COW-1(29))

DESCRIPTION: The Committee is in receipt of correspondence dated January 21, 2016, from the

Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF LARS M. GASCON V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-11-01155; LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD CASE NO. AB 2015-319(M)." The workers' compensation appeal has been brought by Dr. James Hattaway, Lars M. Gascon's treating physician, of a decision by the Disability Compensation Division that Dr. Hattaway had committed 69 counts of fraud. The purpose of the proposed resolution

is to authorize settlement of the workers' compensation appeal.

STATUS: The Committee may consider whether to recommend adoption of the proposed

resolution, with or without revisions. The Committee may also consider other related

action.

NOTE: With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on

questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

	REM	OTE TESTIMONY S	ITES
Hana Council District Off Hana Community Off 5091 Uakea Road Hana, Hawaii	200	Lanai Council District Office Lanai Community Center 8 th Street Lanai City, Hawaii	Molokai Council District Office 100 Ainoa Street Kaunakakai, Hawaii
CONTACT INFORMATION	Office of Council Services 200 South High Street Wailuku, Hawaii 96793 www.MauiCounty.us/COW Committee Staff: Carla Nakata and Cla		08) 270-7838 (phone) 00) 272-0098 (toll-free from Lanai) 00) 272-0026 (toll-free from Molokai) 08) 270-7686 (fax)
TESTIMONY	For information on testifying please visit www.MauiCounty.us/how-to-testify or contact the Office of Council Services. If written testimony is submitted at the meeting site, 16 copies are requested to ensure distribution at the meeting.		
DISABILITY ACCESS	People with disabilities requiring special accommodations should contact the Office of Council Services at least three working days prior to the meeting date.		
LIVE CABLECAST	Available on Akaku: Maui Community Media, Channel 53.		

AGENDA ITEMS ARE SUBJECT TO CANCELLATION.

cow:160318:cmn